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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,420	02/02/2001	R. Steven Schultz	01153.0001U3	4087

23859 7590 12/03/2002

NEEDLE & ROSENBERG P C
127 PEACHTREE STREET N E
ATLANTA, GA 30303-1811

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/776,420

Applicant(s)
Schultz et al

Examiner
Daniel Felten

Art Unit
3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 16, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 6) ☐ Other:

DETAILED ACTION

- 1
- 2 1. Receipt of the amendment filed September 16, 2002, amending claims 1, 6 and 11.
- 3 Claims 1-15 are pending in the application and are presented to be examined upon their merits.
- 4

Response to Arguments

- 5
- 6 2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in
- 7 view of the new ground(s) of rejection.
- 8

Claim Rejections - 35 USC § 103

- 9
- 10 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
- 11 obviousness rejections set forth in this Office action:

12 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

13 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

14 such that the subject matter as a whole would have been obvious at the time the invention was made to a person

15 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the

16 manner in which the invention was made.

17

- 18 4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al
- 19 (Hereinafter, "Ray", US 6,067,529) in view of Tognazzini (US 5,739,5112).

20 **Regarding claims 1, 6 and 11:**

1 Ray discloses a method, system and computer system for collecting electronic receipts for
2 purchases

3 (a) conducting a sales transaction between a buyer and a seller (see Ray, col. 3, ll. 26+)

4 (b) generating an electronic receipt including information describing the purchase (see
5 Ray, Abstract) and

6 (c) transmitting the receipt via a computer network to a computing device operated by *or*
7 *on behalf* of the buyer, the buyer being presented via a user interface of the device with a
8 representation of the information describing the purchase (see Ray, col. 2, ll. 23-44);

9 and including information indicating completion of the transaction (see Ray, col. 3, ll.
10 26-40).

11 Ray's system stores transport addresses within the Gatekeeper device in order to provide
12 information related to customer receipts (see Ray, col. 4, ll. 14-40). However, Ray fails to
13 disclose storing in a centralized database a record of each receipt generated for each transactions
14 of the plurality of transactions. Tognazzini discloses digital delivery of electronic receipts
15 wherein electronic receipts are stored in a database (see Tognazzini fig. 8, col. 7, ll. 1-35).

16 Since Ray contemplates the use of credit cards/smart cards (see Ray, col. 3, ll. 26+), it would
17 have been obvious for an artisan of ordinary skill in the art at the time of the invention to employ
18 the notoriously old and well known database, as disclosed in Tognazzi, for storing electronic
19 receipt/records of transaction because an artisan at the time of the invention of would have
20 sought to use a database to protect the system against fraudulent or accidental practices where the

1 buyer receives a purchased item either mistakenly or by trickery. Thus to employ the database, as
2 disclosed by Tognazzi into the Ray system would have been an obvious expedient well within
3 the ordinary skill in the art.

4
5 **Regarding claims 2-5, 7-10 and 12-15:**

6
7 Ray in view of Tognazzi discloses, as in claims 2, 7, and 12, generating aggregate
8 information in response to stored receipts; and providing the aggregate information to one of the
9 sellers (see col. 3, ll. 10+).

10 claims 3-5, 8-10 and 13-15 disclose the receipt generator retrieving the *found*
11 records and transmitting representations of the *found* records to one of the buyers, adding
12 information to a found record, associating the added information with the found record in the
13 database, and downloading information in the found records to financial software as indications
14 of purchases (see col. 3, ll. 10+).

15
16 ***Conclusion***

17
18 5. Any inquiry concerning this communication or earlier communications from the examiner
19 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The
20 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
21 Any inquiry of a general nature relating to the status of this application or its proceedings should

1 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
2 **Vincent Millin** whose telephone number is (703) 308-1065.

3
4 6. Response to this action should be mailed to:

5
6 Commissioner of Patents and Trademarks

7 Washington, D.C. 20231

8
9 for formal communications intended for entry, or (703) 305-0040, for informal or draft
10 communications, please label "Proposed" or "Draft".

11 Communications via Internet e-mail regarding this application, other than those under 35
12 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
13 addressed to [*daniel.felten@uspto.gov*].

14
15 All Internet e-mail communications will be made of record in the application file. PTO
16 employees do not engage in Internet communications where there exists a possibility that
17 sensitive information could be identified or exchanged unless the record includes a properly
18 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
19 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
20 Trademark on February 25, 1997 at 1 195 OG 89.

21
22
23 **DSF**
24 **November 21, 2002**


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600